

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 HOLLY SESOCK, an individual; and
4 FLAVIO GUTIERREZ, an individual,

5 Plaintiffs

6 v.

7 RAVEN DUDLEY, an individual; CHRIS
8 DUDLEY, an individual; D1 KENNELS, an
unregistered Partnership; MIGUEL CARLOS
BARUSO, SR, aka ANTWAIN MCNEIL, an
individual; and DOES I through X,

9 Defendants

Case No.: 2:20-cv-1466-APG-DJA

**Order Granting in Part Motion for Default
Judgment**

[ECF No. 21]

10 Plaintiffs Holly Sesock and Flavio Gutierrez move for default judgment against
11 defendant Miguel Carlos Baruso, Sr., aka Antwain Mcneil (Mcneil). Mcneil has not appeared in
12 the case or opposed the motion for default judgment.

13 Default was entered against Mcneil on October 23, 2020. ECF No. 13. The plaintiffs'
14 motion addresses the factors listed in *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986).
15 Those factors convince me that it is appropriate to enter default judgment against Mcneil in the
16 amount of \$384,000.00.

17 The plaintiffs also request awards of \$700.00 for their costs and \$3,000 for their
18 attorney's fees. ECF No. 21 at 3. But the plaintiffs offer no documents, evidence, or legal
19 authority to justify that request. And the plaintiffs have not complied with Federal Rule of Civil
20 Procedure 54(d) and Local Rules 54-1 through 54-14. I deny that portion of the motion.

21 I THEREFORE ORDER that the plaintiffs' motion for default judgment against
22 defendant Miguel Carlos Baruso, Sr., aka Antwain Mcneil (**ECF No. 21**) is **granted in part**.
23 Plaintiffs Holly Sesock and Flavio Gutierrez are entitled to a default judgment against defendant

1 Miguel Carlos Baruso, Sr., aka Antwain Mcneil in the amount of \$384,000.00. However, final
2 judgment will not be entered at this time because claims remain against the other defendants. *See*
3 Fed. R. Civ. P. 54(b).

4 DATED this 4th day of January, 2021.



6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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